

REMARKS

Reconsideration of the subject application as amended herein is respectfully requested.

The Examiner has indicated that claims 7,8, 12, 13 contain allowable subject matter, but the remainder of the claims were rejected as being anticipated by, or obvious over the Reynolds reference. The Applicants respectfully traverse these rejections.

Briefly, Reynolds discloses an arrangement in which a single abrasion plate is used to support a rail from a concrete tie. An elastomeric coating is deposited on the plate to protect it from the elements and to provide a member with a known coefficient of friction.

Claim 1 as amended describes an assembly with a plate and a separate pad, each having one of uniformly distributed bumps and depressions. It is not clear what the Examiner considers to be bumps and depressions but Reynolds does not have these features.

Claim 21 further recites that the bumps and depressions are thinner than the pad and the plate. It is not clear from the record what the Examiner considers to be bumps and depressions but Reynolds does not have these features.

Claims 22 and 23 contain the limitations of claims 1+7 and 8 respectively, and therefore are allowable.

Claim 24 recites an assembly with a plate, a separate and removable pad and locking means preventing them from moving laterally. Reynolds does not have a

separate, removable pad.

Claim 9 pertains to the arrangement of the pad and plate including a coupling that keeps the two members together so that they can be stored, transported, and installed simultaneously. The claims specifically recites that the coupling includes a projection dependent on one of pad and the plate. The Examiner indicated that in his view the rail clip reads on this projection. The Applicant disagrees. The clip engages and couples the rail to the pad and does not couple the pad to the plate. Moreover, the clip is separable and therefore is not dependent on either the pad or plate.

Claim 10 has been amended to further differentiate the invention over Reynolds by reciting that the projection is integral with and attached to the plate.

Claim 25 is similar in scope to claim 9 and recites that the coupling means allows some lateral movement between the plate and the pad.

Claims 26 and 27 correspond to claims 9+12 and 9+13, respectively, and are allowable.

Claims 14 and 30 pertain to the seal formed to protect the tie from dirt and has been amended to recite that the seal can be attached to either the pad, the plate or the support. No such seal is disclosed by Reynolds.

Claim 15 recites that the clip supports penetrate into the tie and the seals are disposed around the clip supports. Reynolds does not disclose such an arrangement.

Claim 16 recites that the seal is formed of a thin flexible lip. Reynolds does not disclose such a seal.

Claim 17 recites that the seal is elastic. Reynolds does not disclose such a seal.

It is respectfully submitted that the subject application is patentably distinguishable over the prior art and should be allowed.

The Commissioner is hereby authorized to charge any fees that maybe involved with this reponse and request to Gottlieb, Rackman & Reisman USPTO Deposit Account 07-1730.

Respectfully submitted,

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